IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20950 of 2004

Between:

Mitta Jayamma D/o Papi Reddy
r/o Peddamandyam Village, and Mandal Chittoor District

..... PETITIONER

AND

1 The District Collector, Chittoor District at Chittoor
2 The Superintending Engineer, Rural Water Supply Division,
Madanapalle, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass appropriate Writ, order direction particularly one in the nature of Writ of mandamus declaring the action of the respondents in proposing to construct check dam in the petitioners land at Batavaripalli Measuring Ac. 0.95 cents in Sy. No. 3096/2B situated in Peddamandyam Revenue Village and Mandal, Chittoor District as illegal, arbitrary unreasonable, violative of principles of natural justice and further direct the respondents to stop constructing chedk dam in the petitioners land measuring Ac. 0.95 cents in Sy. No. 3096/2B of Peddamanydam Revenue Village and Mandal, Chittoor district.

Counsel for the Petitioner:MR.V.MADHUSUDANA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

I see no cause of action to entertain the writ petition. The writ petition is filed only on the presumption that the respondents will not follow the due procedure for taking possession of the land assigned in favour of the petitioner to an extent of Ac.0.95 cents in Sy.No.3096/2B of Peddamandyam village and Mandal, Chittoor District, for the purpose of construction of check dam at Batavaripalle.

It is needless to say that as long as the assignment made in favour of the petitioner has not been cancelled and the property is resumed, the respondents cannot dispossess the petitioner from the land in question without following due process of law.

The writ petition is dismissed with the above observation. No costs.

_____

A. GOPAL REDDY. J.

16th November, 2004

Note: Issue C.C. by tomorrow

(b/o)

tsr.

To

1 The District Collector, Chittoor District at Chittoor
2 The Superintending Engineer, Rural Water Supply Division, Madanapalle, Chittoor District

3. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

4. Two C.D. copies.